

AN ORDINANCE repealing Section 18-64 of Article III of Chapter 18 of the Municipal Code of the City of Fort Wayne.

WHEREAS, Section 18-64 of Article III of Chapter 18 "Real Estate Which is Used for the Illegal Sales of Narcotics or Controlled Substances, Gambling or Prostitution" of Chapter 18 of the Municipal Code of the City of Fort Wayne provides as follows:

"Sec. 18-64. LIST TO BE KEPT BY POLICE DEPARTMENT. The Police Department shall keep a list of the names and addresses of all tenants/occupants to whom copies of letters sent pursuant to Sec. 18-57 (d) of this Article, and shall make the names available to members of the public requesting same in reference to potential renters of real estate in the City."

WHEREAS, the City of Fort Wayne desires to repeal said Section 18-64 of Article III of Chapter 18 of the Municipal Code of the City of Fort Wayne.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 18-64 of Article III of Chapter 18 of the Municipal Code of the City of Fort Wayne is hereby repealed.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

CR Edwards
Council Member

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Edmonds, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Committee of the Whole and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 1-26-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by _____, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>	<u>3</u>		
BRADBURY	<u>✓</u>			
EDMONDS		<u>✓</u>		
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT		<u>✓</u>		
TALARICO		<u>✓</u>		

DATED: 2-23-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 9-05-93 on the 23rd day of February, 1993

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark C. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February, 1993, at the hour of 11:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 1st day of March, 1993, at the hour of 10 o'clock A M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

MEMORANDUM

LAW DEPARTMENT

TO: MEMBERS OF COMMON COUNCIL

FROM: J. TIMOTHY MCCAULAY, CORPORATION COUNSEL *jm*

DATE: January 25, 1993 *B-93-01-22*

SUBJECT: REPEAL OF SECTION OF DRUG HOUSE ORDINANCE

At the time the City's Drug House Ordinance, G-48-92, was adopted, Mayor Helmke and I expressed concern with the legality of Section 18-64 of said Ordinance. Specifically, said section requires the Police Department to keep a list of the names and addresses of all tenants/occupants sent copies of certain required notices and further provides that those names should be made available to the public upon request. Section 18-57(d) requires that a copy of any letter sent to an owner of real estate concerning suspected illegal activity, should also be sent to any tenant/occupant of the premises. Thus, the requirement to send the notice is broad enough to require the notice to go not only to the tenant suspected of illegal criminal activity but also any other occupant of the premises.

It is well established in the law that proximity to criminal activity is not in and of itself evidence of criminal activity. Therefore, the notice required by Section 18-57 is to be sent to people who are not even suspected of criminal activity. To publish such an individual's name on the type of list required by Section 18-64 would, in my opinion, be an unwarranted invasion of that individual's right of privacy. Therefore, I recommend Section 18-64 be repealed.

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE MAYOR'S OFFICE

SYNOPSIS OF ORDINANCE REPEALS PROVISION OF "DRUG HOUSE" ORDINANCE THAT REQUIRES POLICE CHIEF TO KEEP, MAINTAIN, AND MAKE AVAILABLE FOR INSPECTION, A LIST OF ALL TENANTS TO WHOM NOTICES HAVE BEEN SENT.

EFFECT OF PASSAGE SECTION WOULD BE REPEALED.

EFFECT OF NON-PASSAGE SECTION WOULD NOT BE REPEALED.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) NONE

ASSIGNED TO COMMITTEE (PRESIDENT) _____

Hold till 2/23/93

BILL NO. G-93-01-22

REPORT OF THE COMMITTEE ON
THE COMMITTEE OF THE WHOLE
THOMAS C. HENRY - CHAIRPERSON
MARK E. GIAQUINTA - VICE CHAIRPERSON
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON THE COMMITTEE OF THE WHOLE TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) repealing Section 18-64
of Article III of Chapter 18 of the Municipal Code of the
City of Fort Wayne

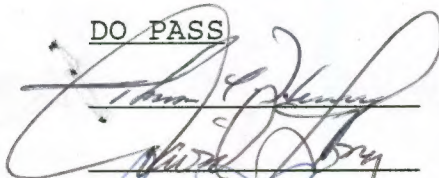
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

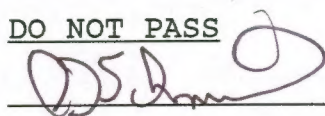
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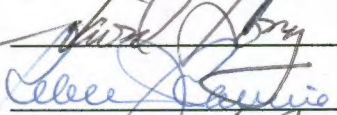
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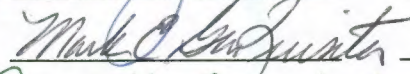
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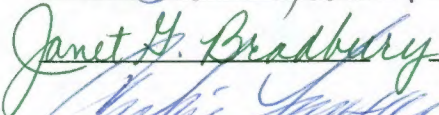
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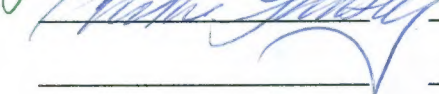
















DATED: 2-23-93.

Sandra E. Kennedy
City Clerk